

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF DELAWARE

DIVISION

Motion under Title 18 U.S.C. §3582(c)(2) and U.S. Sentencing Guidelines
1B1.10(c) for Reduction of Sentence based on 2007 Guideline
Amendment Nine which became effective on November 1, 2007,
And caused a two-level reduction in Base Offense Level
For Cocaine Base

Audrey Miller,
Petitioner, pro se,

v.

United States of America,
Respondent.

Criminal Case No. 95-13-KAJ

CR 95-13

COMES NOW, the Petitioner, Audrey Miller, acting on her own behalf and REQUESTS this Honorable Court to use its discretion and GRANT her the relief provided in the 2007 Guideline Amendment Nine which lowered the drug quantity thresholds in the Drug Quantity Table so as to assign, for crack cocaine (Cocaine Base offenses, base offense levels corresponding to guideline ranges that include the statutory minimum penalties.

Accordingly, pursuant to the amendment, 5 grams of cocaine base are assigned a base offense level of 24 (51 to 63 months at Criminal History Category of I, which includes the five-year [60 month] statutory minimum for such offenses), and 50 grams of cocaine base are assigned a base offense level of 30 (97 to 121 months at Criminal History Category I, which includes the ten-year [120 month] statutory minimum for such offenses). The base offense levels for 5 grams and 50 grams of cocaine base were levels 26 and 32, respectively, before Amendment Nine. Cocaine base offenses for quantities above and below the mandatory minimum threshold quantities similarly are adjusted downward by two levels.

Based on the following information, Petitioner qualifies for the two-level reduction in her sentence and REQUESTS that relief be GRANTED:

1. Date of conviction: July 21, 1995
2. Date of sentencing: SAME

3. Did cocaine base alone cause your Base Offense Level (BOL) to be greater than level 12? If "Yes" or "Don't Know," proceed with this Motion.
4. List the level that your sentence was based and the count related to the level:
Level 34 for count(s) POSS. W/INTENT TO DELIVER 21USC§841(a)(
5. What is your Criminal History Category? (Circle One)
I II III IV V VI
6. What was your sentencing range and sentence before Amendment Nine?
Sentencing range: 262-327. I received a sentence of:
300 months for count(s) USC § 841(a)(1)
7. What is your offense level and sentencing range after a two-
Level: 32 Sentencing range: 210-262
count(s): _____
8. Petitioner's projected release date at this time is: 2016

Petitioner respectfully requests that this Honorable court consider her post-sentencing conduct (see attachments 1-40), pursuant to application Note (1)(B)(iii) of Section 1B1.10 of the United States Sentencing Guidelines to give her a new sentence at the low end of the amended guideline range for a total amended sentence of 90 months. Petitioner prays that this Honorable Court will grant her motion for an amended sentence under 18 USC 3582(c)(2).

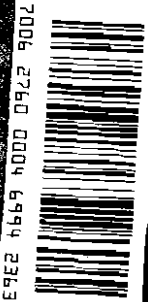
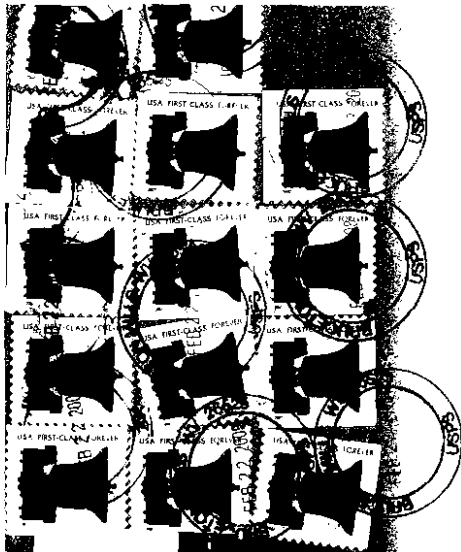
Submitted this 25th day of February, 2008 .

Audrey Miller
Audrey Miller

Petitioner, pro se

Reg. #: 03660-015

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